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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,138

01/30/2006

Ursula Muller

58575-308333

6662

1333 7590 05/12/2009

EASTMAN KODAK COMPANY

PATENT LEGAL STAFF

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ROCHESTER, NY 14650-2201

EXAMINER

WALKE, AMANDA C

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

05/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/526,138

**Applicant(s)**

MULLER ET AL.

**Examiner**

Amanda C. Walke

**Art Unit**

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates et al (EP 1101607).

Yates et al disclose a heat sensitive composition comprising an acetal (0.25-50 %)IR absorber (0.25-25%; acid number of 50-210), a novolac resin (at least 40-at least 80%), and other units including acrylic acids, methacrylic acids, vinyl alcohol, and acrylates [0041]. The amounts of the additional polymers as described in [0041] employed in the examples appear to fall within the instantly claimed range. The material also comprises solvents, polymeric particles, contrast dyes, and the material is employed in an IR sensitive printing plate. With respect to claim 19, the metal support is aluminum, however the claim is a product by process claim, therefore the process steps are not given patentable weight, and the limitations of the claim are taught by the reference, as the aluminum plate of the reference is suitable for use as a printing plate substrate. It would have been obvious to one of ordinary skill in the art to prepare the material of the reference choosing a group such as including acrylic acids, methacrylic acids, vinyl alcohol, and acrylates as the functional group containing additives in the acetal resin.

3. Claims 3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates et al in view of Hauck et al (6,517,988).

Yates et al has been discussed above, and teaches that various additional units may be included, including acrylic acids, methacrylic acids, vinyl alcohol, and acrylates, but fails to disclose the exact structure of these groups.

Hauck et al disclose a composition similar to that of Yates et al, and teaches that polymers/unit suitable to be employed with novolac and acetal resins include those having the units as instantly claimed (see columns 2 and 3). Use of the resin decreases the erosion of the pattern/wear.

It would have been obvious to prepare the material of Yates et al choosing to employ the advantageous polymer of Hauck et al in combination with the acetal resin.

4. Claims 3, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates et al in view of Walls (5,169,897).

Yates et al has been discussed above, and teaches that various additional units may be included, including acrylic acids, methacrylic acids, vinyl alcohol, and acrylates, but fails to disclose the exact structure of these groups.

Walls disclose a composition similar to that of Yates et al, and teaches that polymers/unit suitable to be employed with novolac and acetal resins include those having the units as instantly claimed (see columns 2 and 3). Use of the resin decreases the erosion of the pattern/increased run length.

It would have been obvious to prepare the material of Yates et al choosing to employ the advantageous polymer of Walls in combination with the acetal resin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amanda C Walke  
Primary Examiner  
Art Unit 1795

/Amanda C Walke/  
Primary Examiner, Art Unit 1795